

FILED

JUL 13 2009

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AUSA Christopher R. McFadden (312) 353-1931

JUL 13, 2009

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

AFFIDAVIT OF COMPLAINT (OR INDICTMENT) IN REMOVAL PROCEEDINGS

UNITED STATES OF AMERICA)

v.)

SHELBY ELIZABETH NICHOLS)

MAGISTRATE JUDGE COLE

CASE NUMBER:

09 CR 598

The undersigned Affiant personally appeared before Jeffrey Cole, a United States Magistrate Judge, and being duly sworn on oath, states: That at Salt Lake City, in the District of Utah, Central Division, one SHELBY ELIZABETH NICHOLS was charged via indictment with bankruptcy fraud, in violation of Title 18, United States Code, Sections 152(1), 152(2), 152(3), 152(7), and 1519, and that on the basis of Affiant's investigation and information received concerning the case through official channels, does hereby certify that an Arrest Warrant is outstanding for the arrest of said defendant. A copy of the warrant and the indictment are attached to this affidavit.

Wherefore, Affiant prays that the defendant be dealt with according to law.

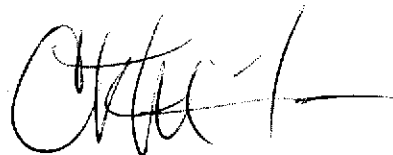


Stephen Linder, Deputy U.S. Marshal
U.S. Marshals Service

Subscribed and Sworn to before me this
13 day of July 2009.



UNITED STATES MAGISTRATE JUDGE



CHRISTOPHER R. MCFADDEN
Assistant United States Attorney

Issuing court bond recommendation: **Unknown**

United States District Court

DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

Shelby Elizabeth Nichols

CASE NUMBER: 2:05-cr-00202-PGC

To: The United States Marshal
and any Authorized United States Officer



COPY

YOU ARE HEREBY COMMANDED to arrest **SHELBY ELIZABETH NICHOLS**

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☐ Complaint
☒ Order of court
☐ Violation Notice
☐ Probation Violation Petition

charging him or her with (brief description of offense)

Concealment of Assets, Fraudulent Transfer, False Bankruptcy Declaration, False Bankruptcy Documents, False Bankruptcy Oath

in violation of 18:152(1), 18:152(7), 18:152(3), 18:1519, 18:152(2) United States Code.

Markus B. Zimmer
Name of Issuing Officer

Clerk of Court
Title of Issuing Officer

A. Paskins
Signature of Issuing Officer

June 7, 2005 at Salt Lake City, Utah
Date and Location

By: **Aaron Paskins**
Deputy Clerk

Bail fixed _____ by _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

RECEIVED CLERK

JUN 02 2005

PAUL M. WARNER, United States Attorney (#3389)
BARBARA BEARNSON, Assistant United States Attorney (#3986)
CY H. CASTLE, Special Assistant United States Attorney (#4808)
Attorneys for the United States of America
185 South State Street, #400
Salt Lake City, Utah 84111-1506
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Facsimile: (801) 524-6924

U.S. DISTRICT COURT
JUN 02 2005

IN THE UNITED STATES DISTRICT COURT

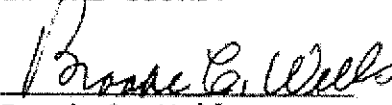
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	ORDER AUTHORIZING COURT
	:	CLERK TO ISSUE ARREST
Plaintiff,	:	WARRANT
	:	
vs.	:	
	:	Case No. 2:05CR00202PGC
SHELBY ELIZABETH NICHOLS,	:	
	:	
Defendant.	:	

Based upon the representations contained in the government's Request for Issuance of Arrest Warrant, and other good cause appearing, it is hereby ordered that the Court Clerk is authorized to issue an Arrest Warrant for the Defendant, Shelby Elizabeth Nichols.

Dated this 3 day of June, 2005.

BY THE COURT:


Brook C. Wells
U.S. Magistrate Judge

PAUL M. WARNER, United States Attorney (#3389)
ELIZABETHANNE C. STEVENS, Assistant United States Attorney (#2314)
CY H. CASTLE, Special Assistant United States Attorney (#4868) **FILED**
Attorneys for the United States of America
185 South State Street, #400
Salt Lake City, Utah 84111-1506
Telephone: (801) 524-5682
Facsimile: (801) 524-6924

2005 MAR 30 P 3:48

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHELBY ELIZABETH NICHOLS,

Defendant.

I N D I C T M E N T

18 U.S.C. § 152(1)
(Concealment of Assets)
Count 1

18 U.S.C. § 152(7)
(Fraudulent Transfer)
Count 2

18 U.S.C. § 152(3)
(False Bankruptcy
Declaration)
Counts 3-5

18 U.S.C. § 1519
(False Bankruptcy
Documents)
Counts 6-8

18 U.S.C. § 152(2)
(False Bankruptcy
Oath)
Count 9

The Grand Jury charges:

Judge Paul G. Cassell
DECK TYPE: Criminal
DATE STAMP: 03/30/2005 @ 13:00:22
CASE NUMBER: 2:05CR00202 PGC

COUNT 1

(Concealment of Assets)

1. On or about March 29, 2004, SHELBY ELIZABETH NICHOLS, Defendant herein, filed a voluntary petition for bankruptcy protection under chapter 7 of Title 11 of the United States Code with the United States Bankruptcy Court for the District of Utah. The bankruptcy court assigned case number 04-24916 to the bankruptcy of Shelby Elizabeth Nichols.

2. From on or about March 29, 2004 until on or about June 1, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, did knowingly and fraudulently conceal from creditors of the bankruptcy estate of Shelby Elizabeth Nichols, the United States Trustee and the panel trustee in bankruptcy, \$39,355.50 belonging to the estate of Shelby Elizabeth Nichols.

All in violation of Title 18, United States Code, Section 152(1).

COUNT 2

(Fraudulent Transfer)

1. On or about April 6, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, then a debtor in bankruptcy under Title 11, Case No. 04-24916, knowingly and fraudulently transferred \$39,355.50 to the checking account of the Chamorin Group with the intent to defeat the provisions of Title 11.

All in violation of Title 18, United States Code, Section 152(7).

COUNT 3

(False Bankruptcy Declaration)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury as permitted under section 1746 of Title 28 in and in relation to a case under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-24916, by filing Schedules of Assets and Liabilities, in which the Defendant falsely stated "None" in response to question 16 of her Schedule B of the Schedules of Assets and Liabilities regarding whether she was and may be entitled to alimony, maintenance, support and property settlement.

All in violation of Title 18, United States Code, Section 152(3).

COUNT 4

(False Bankruptcy Declaration)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury as permitted under section 1746 of Title 28 in and in relation to a case under Title 11, In re Shelby Elizabeth

Nichols, Case No. 04-24916, by filing a Statement of Financial Affairs, in which the Defendant falsely stated "None" in response to question 4 of her Statement of Financial Affairs regarding whether she had been a party to a suit within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 152(3).

COUNT 5

(False Bankruptcy Declaration)

1. On or about July 6, 2004, SHELBY ELIZABETH NICHOLS, Defendant herein, filed a voluntary petition for bankruptcy protection under chapter 7 of Title 11 of the United States Code with the United States Bankruptcy Court for the District of Utah. The bankruptcy court assigned case number 04-30824 to the bankruptcy of Shelby Elizabeth Nichols.

2. On or about July 6, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury as permitted under section 1746 of Title 28 in and in relation to a case under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-30824, by filing a Statement of Financial Affairs, in which the Defendant falsely stated in response to questions 4 and 10 as follows:

Question 4	Defendant was not a party to a suit within one year of her bankruptcy filing.
Question 10	Defendant had not transferred any property within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 152(3).

COUNT 6

(False Bankruptcy Documents)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly falsified, concealed and made a false entry in a document with the intent to impede, obstruct and influence a case filed under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-24916, by filing Schedules of Assets and Liabilities, in which the Defendant falsely stated "None" in response to question 16 of her Schedule B of the Schedules of Assets and Liabilities regarding whether she was and may be entitled to alimony, maintenance, support and property settlement.

All in violation of Title 18, United States Code, Section 1519.

COUNT 7

(False Bankruptcy Documents)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly falsified, concealed and made a false entry in a document with the intent to

impede, obstruct and influence a case filed under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-24916, by filing a Statement of Financial Affairs, in which the Defendant falsely stated "None" in response to question 4 of her Statement of Financial Affairs regarding whether she had been a party to a suit within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 1519.

COUNT 8

(False Bankruptcy Documents)

1. On or about July 6, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly falsified, concealed and made a false entry in a document with the intent to impede, obstruct and influence a case filed under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-30824, by filing a Statement of Financial Affairs, in which the Defendant falsely stated in response to questions 4 and 10 as follows:

Question 4	Defendant was not a party to a suit within one year of her bankruptcy filing.
Question 10	Defendant had not transferred any property within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 1519.

COUNT 9

(False Bankruptcy Oath)

1. On or about August 10, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false statement under oath in and in relation to a case under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-20965, by falsely testifying under oath in a proceeding before the case trustee at a meeting of creditors as underscoring below:

Question: The information you put in these papers is truthful, accurate and complete?

Answer: Yes.

Question: Have you listed all of your assets and all your debts?

Answer: Yes.

All in violation of Title 18, United States Code, Section 152(2).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

PAUL M. WARNER
United States Attorney
District of Utah

Cy H. Castle
ELIZABETHANNE C. STEVENS
Assistant U.S. Attorney
CY H. CASTLE
Special Assistant U.S. Attorney